

Appl. No. 10/815,055
Amendment dated May 25, 2005
Reply to Office Action of May 19, 2005

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed May 19, 2005.

1. The Abstract has been Amended

In response to the requirement by the Examiner, the Abstract has been amended so as to reduce its size to less than 150 words. Accordingly, this action is believed to fully overcome the Examiner's objection to the original Abstract.

2. A Terminal Disclaimer is Submitted Herewith

In the recent Office Action, the Examiner rejected claims 13-16 and 19 for alleged "obviousness-type double-patenting" over claims 1, 1, 2, 3 and 5, respectively, of applicant's prior U.S. Pat. No. 6,851,261. In this regard, the Examiner was of the view that claims 13-16 and 19 of the present application were not patentably distinct from claims 1, 1, 2, 3 and 5 of the '261 patent. The Examiner's rejection expressly noted that a timely-filed Terminal Disclaimer, in compliance with 37 C.F.R. § 1.321(c) may be used to overcome such a double-patenting rejection, provided that the present application and the conflicting patent are shown to be commonly owned with this application.

In response to the foregoing, applicant submits herewith a Terminal Disclaimer, together with the requisite fee, and separate Statement Under 37 CFR 3.73(b) for this application and for the prior patent, together with convenience copies of the recorded Assignments that were referred to therein. An examination of these documents will reveal that the present application as well U.S. Pat. No. 6,851,261 are both owned by a common entity, Moog Inc. Accordingly, Moog Inc. is empowered to file a Terminal Disclaimer so as to obviate the double-patenting rejection.

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3. The Claims are Unchanged

This Amendment contains a listing of all twenty-two original claims, each of which is unchanged. Since applicant has overcome the double-patenting rejection by the timely filing of a Terminal Disclaimer, it is felt that there is no need to amend the claims.

4. The Claims Distinguish from the Art-of-Record

The Examiner cited U.S. Pats. No. 4,968,239, 5,345,766 and 6,439,875 as purporting to show various embodiments of servoactuators with hydraulic force amplification. Suffice it to say that each and one of applicant's claims distinguishes clearly and unequivocally from the fair prospective teaching of these references, when considered either individually or in combination.

This Amendment is believed to fully-responsive to the Office Action of May 19, 2005; is believed to squarely address each and every ground for objection or rejection raised by the Examiner; and is further believed to materially advance the prosecution of this application toward immediate allowance.

Formal allowance of original claims 1-22 is, therefore, courteously solicited.

Respectfully submitted,

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By 

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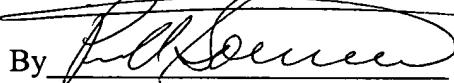
Buffalo, New York

May 25, 2005

CERTIFICATE OF MAILING

I certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexander, Virginia 22313-1450, this 25th day of May, 2005.

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Signed: May 25, 2005

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